

Rules Highlights

Federally Approved State Rules

Nitrogen oxides emissions

Status: Effective December 10, 2001

Citation: 66 FR 56465 (November 8, 2001)

Approves a budget demonstration, supporting materials and two NO_x rules: 326 IAC 10-3, the NO_x Reduction Program and 326 IAC 10-4, the NO_x Budget Trading Program, a trading program focusing on reductions from electric generating units (EGUs), large boilers and turbines.

Opacity rules

Status: U.S. EPA expects to take final action by mid 2002.

Citation: 66 FR 59808 (November 30, 2001)

Amends 326 IAC 5-1-1, 5-1-2, 5-1-3, 5-1-4(b), and 5-1-5(b) concerning the startup and shutdown of operations, averaging period terminology, temporary exemptions, alternative opacity limits, and conflicts between continuous opacity monitor and visual readings.

Recent New State Rules

Fugitive dust

Status: Final (effective January 25, 2002).

Citation: 25 IR 1604 (February 1, 2002).

Readopted, without changes, 326 IAC 6-4 concerning fugitive dust operation.

Title V and permitting rules and changes to permit exemptions

Status: Final (effective January 19, 2002).

Amends 326 IAC 2 to address changes necessary to obtain U.S. EPA approval of the prevention of significant deterioration (PSD) rules as part of the state implementation plan and federal approval of the Title V permit program. Adds 326 IAC 1-2-82.5 to define "Title I conditions." Repeals 326 IAC 2-7-25. Amends additional sections of Title 326 to maintain consistency.

Rules in Process

Process weight rates

Status: Final adopted February 6, 2002.

Amends 326 IAC 6-3 concerning process weight rates.

Emission Reporting Rule

Status: Proposed Rule

Next step: Consideration for final adoption (not yet scheduled)

Amends 326 IAC 2-6 to clarify the existing rule and to gather emissions inventory information by adding hazardous air pollutants (HAPs) to the lists of pollutants to report to the rule. This information will assist IDEM to:

- Assess accurately the effectiveness of pollution control programs.
- Evaluate the air quality impacts of new construction or major modifications to existing major sources.

- Provide the department and U.S. EPA with the most accurate information available when considering future control strategies and policies.

The main issues from the 26 commenters from the third comment period are the level of detail required to be reported, adding FESOPs to the applicability and the cost to the regulated community to provide the additional information.

An Emissions Reporting Workgroup was formed at the request of the Environmental Quality Service Council (EQSC) and met four times with the final meeting being held on April 23. The Emissions Reporting Workgroup will present a report to the EQSC by the end of May.

Commercial and Industrial Solid Waste Incinerator Rule

Status: Promulgation

Next step: Final adopted May 1, 2002

Adds federal emission guidelines at 326 IAC 11-8 to establish control limits for commercial and industrial solid waste incinerator units for which construction commenced on or before November 30, 1999. The rulemaking is an incorporation of federal guidance that has gone through a rigorous public comment process. The only issue for which Indiana has some options is the compliance date. The rule that the Air Pollution Control Board preliminarily adopted on February 6, 2002, provides some flexibility to sources in selecting a compliance date.

Union Tank Car Rulemaking

Status: Promulgation

Next step: Final adopted May 1, 2002

Amends emission limits in 326 IAC 6-1-10.1(d) for a grit blasting unit for Union Tank Car in Lake County. Union Tank Car operates a railcar manufacturing facility in East Chicago. Union Tank Car has requested a rule change as it cannot meet the existing particulate matter limit for the grit blaster with available control equipment. An air quality analysis indicates the proposed emission limits will meet the 24 hour and annual NAAQS standards.

Fluoride Emission Limits for Existing Aluminum Plants

Status: Proposed rule

Next step: Consideration for final adoption scheduled for June 5, 2002

Repeals performance standards limits at 326 IAC 11-5 for fluoride emissions for existing aluminum plants because the limits have been superseded by more stringent national emission standards for hazardous air pollutants. The only source to which this rule applies in Indiana is Alcoa, located in Warrick County.

Incinerators and Carbon Monoxide Emission Limits; Repeal of Employee Commute Option

Status: Proposed rule

Next step: Consideration for final adoption scheduled for June 2002

Amends 326 IAC 4-2 which addresses particulate matter emissions from incinerators and 326 IAC 9-1 which addresses carbon monoxide emissions from incinerators. These rules were opened as part of the sunset rulemaking. While sunset no longer applies to them, OAQ is updating the rules to reflect more current incinerator operations. These rules were first promulgated in 1968 and 1972. In recent years, U.S. EPA has issued many federal incinerator standards. One of the main goals is to allow sources subject to more stringent federal standards to be exempt from overlapping standards in the state rules. Another goal is to provide sources

more flexibility regarding operations and maintenance standards. This rulemaking will repeal 326 IAC 19-1 concerning employee commute options. 326 IAC 19-1 was never implemented.

Dip Tank Rule

Status: Preliminarily adopted rule

Next step: Publish as a proposed rule June 1, 2002

Amends 326 IAC 8-1-2 to address U.S. EPA's SIP approvability issues by:

- deleting rule language providing for commissioner discretion and substituting an equation that can be used to determine compliance with an equivalent emission limit that has already been approved as part of the SIP;
- deleting rule language for demonstrating compliance based on a calculated monthly volume-weighted average VOC content of the coating, as applied and substituting determining compliance "as applied" based on the interval between solvent additions and using a specified equation;
- deleting rule language providing for viscosity readings as a measure of compliance.

Knauf Fiber Glass

Status: Final adopted May 1, 2002

Next step: Promulgation

Amends 326 IAC 11-4-5 to update references to equipment names and removes references to ovens that have been dismantled and removed at Knauf Fiber Glass in Shelbyville, Indiana.

Compliance Monitoring

Status: First Notice of Comment printed December 1, 2001

Next step: Publish Second Notice of Comment Period

Amends 326 IAC 3 and 326 IAC 7 to:

- (1) establish a new rule for compliance monitoring requirements that will adopt the federal requirements under 40 CFR 64 and clarify compliance monitoring requirements, including compliance monitoring plan submittals, for sources required to obtain operating permits;
- (2) establish a new section concerning types of data that can be used in enforcement actions;
- (3) make technical corrections to existing rules in 326 IAC 3 and 326 IAC 7 concerning emissions monitoring requirements; and
- (4) if needed, make changes required by U.S. EPA to obtain approval of 326 IAC 3 into the state implementation plan.

"Compliance monitoring" refers to a large number of different types of data collection, measurements, and other information from which businesses, as well as regulatory agencies and the public, can determine whether they are in compliance with environmental requirements. It can include direct measurements of emissions, but also includes other approaches, such as observing visible emissions, monitoring of control devices or process operating parameters, sampling and analysis of fuels or raw materials, record keeping or inspection programs.

Previous notices for this rulemaking effort (#98-68 and #98-210) have been withdrawn.

U.S. Steel PM₁₀ Rule

Status: First Notice of Comment printed December 1, 2001

Next step: Publish Second Notice of Comment Period

Amends 326 IAC 326 IAC 6-1-10.1 to revise the current Lake County PM₁₀ rules for U.S. Steel–Gary Works (U.S. Steel) to reflect the current and future operational practices at the Gary, Indiana plant. The changes that are being proposed are primarily due to the following factors:

1. Several facilities have been closed, new facilities have started up, and new emission control systems have been installed at some facilities.
2. To improve energy use, U.S. Steel requests increased flexibility in the use of plant generated fuels (i.e., coke oven gas and blast furnace gas) and purchased fuels (i.e., natural gas and fuel oil).

U.S. Steel has updated their inventory and submitted modeling data that will be used as a baseline for the drafting of this rule. A First Notice that published in May 1998 has been withdrawn.

Lake County SO₂ Rule

Status: First Notice of Comment printed November 1, 2001

Next step: Publish Second Notice of Comment Period

This rule is a necessary step to seek redesignation of Lake County to attainment status for SO₂. While the SO₂ monitors in Lake County show attainment of the health standard, IDEM must submit air quality modeling to U.S. EPA that shows attainment as well. Amends 326 IAC 7-4-1.1 to add limits that will model attainment of the standard throughout the entire county. IDEM has spent the past several years working with SO₂ sources in Lake County to update and correct model inputs, including updated emission rates, source closures, hours of operations, and other information. However, based upon current data and modeling run analyses, the model still shows exceedances of the 24-hour and annual SO₂ standard in some areas.

The rule focuses on individual sources whose SO₂ emissions have been specifically identified as likely causing exceedances of the NAAQS including American Steel, BP Amoco, Inland Steel, LTV Steel, Marblehead Lime (now Carmeuse Lime), Unilever, and U.S. Steel. IDEM has been working with the affected companies, the public and U.S. EPA Region V to develop a control strategy that can demonstrate protection of the SO₂ ambient standards in the area.

Other companies listed in the table in 326 IAC 7-4-1.1 have received permits with new or updated emission limits or other information that will be incorporated into the rules.

The Second Notice of Comment Period should publish in the summer of 2002.

Nitrogen Oxide Corrections

Status: First Notice of Comment printed March 1, 2002

Next step: Publish Second Notice of Comment Period

Amends 326 IAC 10-3 and 326 IAC 10-4 to address requests made by members of the regulated community at the public hearing prior to final adoption of the NO_x SIP Call rule on June 6, 2001 as well as other changes that have been brought to the department's attention including:

- (1) Changing a compliance date for electric generating units (EGUs) to May 31, 2004, to harmonize the compliance dates for the Section 126 rule and the NO_x SIP Call rule, as agreed to by U.S. EPA in a memorandum titled "Deadlines for the Electric Generating

Units (EGUs) and Non-Electric Generating Units (non-EGUs) under the Section 126 Rule.”

(2) Moving certain industrial boilers regulated under 326 IAC 10-3 (the NO_x Reduction Program) to 326 IAC 10-4 (the NO_x Budget Trading Program), as requested.

(3) Updating a reference to a technical document, provided a more appropriate reference is published in final form, as requested.

(4) Clarifying wording, as well as other technical changes to the existing rule that may be warranted.

Boat MACT

Status: First Notice of Comment printed March 1, 2002

Next step: Publish Second Notice of Comment Period

Adds 326 IAC 20-48 to regulate organic hazardous air pollutants (HAPs) from major sources that manufacture aluminum recreational boats, such as noncommercial and nonmilitary aluminum boats, and all types of fiberglass boats. Operations subject to the national emission standard for hazardous air pollutants (NESHAP) include: open molding, closed molding, equipment cleaning, resin and gel coat mixing operations, carpet and fabric adhesive operations, surface coating, spray gun cleaning and wipedown solvent operations. In Indiana, less than ten (10) businesses are subject to the federal rule. In addition to the NESHAP, the state rule, 326 IAC 20-25, Emissions from Reinforced Plastics Composites Fabricating Emissions Units, applies to open molding using resin and gel coat applications at boat manufacturers. The state rule contains provisions that may conflict with or duplicate the requirements of the NESHAP. The first notice of rulemaking seeks comment specifically on ways to address possible conflicts between the two rules.

Check the Agency Calendar at: http://www.IN.gov/serv/eventcal?PF=idem&Clist=16_153_154_155_156 for scheduled meetings of the Air Pollution Control Board.

